

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MATTHEW BOROWSKI,

Plaintiff,

v.

23-cv-257

CUSTOMS AND BORDER PROTECTION,

Defendant.

DECLARATION

MARY K. ROACH, makes this declaration under penalties of perjury, pursuant to 28 U.S.C. Section 1746:

1. I am an attorney duly licensed to practice in the State of New York and before this Court, and I am an Assistant United States Attorney in the Western District of New York.
2. I represent Defendant Customs and Border Protection (“CBP”) in this action.
3. CBP has prepared an Amended Administrative Record (“AAR”), a copy of which has been filed herewith.
4. The AAR has fewer redactions on three records. CBP un-redacted portions of five (5) pages of intra-agency emails—specifically, seven (7) emails sent on April 2, 2014, April 4, 2014, April 17, 2014, April 18, 2014, and April 22, 2014—which had previously been redacted in full. AAR, pp. 37-41.
5. CBP also un-redacted license plate numbers that had been previously redacted within the inspection narratives from Plaintiff’s border inspections on March 19, 2013 (AAR, pp. 49-56), and December 14, 2013 (AAR, pp. 42-45).
6. In all other respects, the AAR is the same as the Administrative Record filed

on May 15, 2024.

7. The AAR includes personally identifiable information relating to Plaintiff Matthew Borowski, including his addresses, passport number and his date of birth (“Plaintiff’s PII”).

8. Plaintiff’s PII has been redacted from the AAR and these redactions are noted in blue.

9. The AAR also contains redactions of information which is protected by the deliberative process privilege, information consisting of law enforcement sensitive techniques and procedures and the personally identifiable information of CBP personnel, and third parties. These redactions are noted in black.

10. A copy of the AAR without the redactions of Plaintiff’s PII has been mailed to Plaintiff by regular mail.

DATED: Buffalo, New York, July 18, 2024

S/MARY K. ROACH
Assistant U.S. Attorney